IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 13384 of 2004

Between:

1 S.Surender Goud, S/o.Shankar Goud,
2 S.Srinivas Goud, S/o.Shankar Goud,
3 S.Ravinder Goud, S/o.Shankar Goud,
4 S.Prakash Goud, S/o.Shankar Goud,
All are residents of Jogipet Village, Andole Mandal, Medak Dist.

..... PETITIONERS

AND

The Mandal Revenue Officer,

Andole Mandal, Medak Dist. .....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the Respondent in seeking to dispossess the petitioners from the lands bearing Sy.Nos.44 & 45 of Erraram Village, Andole Mandal, Medak District, without considering the explanations dt.24-6-2004 and 30-6-2004 filed by them and without passing any orders, as illegal, arbitrary and without jurisdiction; Award costs.

Counsel for the Petitioner : Mr.N.SRIDHAR REDDY `

Counsel for the Respondent : G.P. FOR ASSIGNMENT

The Court made the following :

ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Assignment, and both of them agreed for disposal of the writ petition finally at the stage of admission.

It is not in dispute that on issuance of the show cause notice dated 14.6.2004 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules 1977, petitioners submitted their explanation dated 30.6.2004, but the only grievance of the petitioners is that without passing any orders on their explanation, the respondent is trying to dispossess them from the lands in question.

Once the proceedings are initiated under Act 9 of 1977, necessary orders have to be passed for resumption of the land, then only the respondent gets right to take possession of the property that too after expiry of the appeal time.

In view of the same, unless orders are passed and communicated to the petitioners pursuant to the show cause notice dated 14.6.2004 issued in Form No.I to the petitioners, the respondent is directed not to dispossess the petitioners from the lands in question.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

A.GOPAL REDDY, J

Date: 30.7.2004

DA

To

1. The Mandal Revenue Officer, Andole Mandal, Medak Dist.

2. Two CCs to the G.P. for Assignment, High Court, Hyderabad (OUT)

3. Two CD copies.